

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
v.)
)
)
JERRY DRAKE VARNELL,) Case Number: M-17-368-STE
)
)
Defendant.)

**UNOPPOSED MOTION FOR HEARING TO DETERMINE
COMPETENCY OF DEFENDANT TO STAND TRIAL
AND TO ABATE ALL SCHEDULED HEARINGS**

Jerry Drake Varnell, through counsel and pursuant to 18 U.S.C. § 4241(a), moves for a hearing to determine whether he is competent to stand trial. Mr. Varnell has a long, documented history of paranoid schizophrenia. He has been hospitalized multiple times since he was 16 years old. Further, in 2013, Mr. Varnell was declared incompetent by an Oklahoma state court, and his parents were appointed as his guardians. Those orders have not been modified.

All proceedings, including the initial appearance and detention hearing, must be stayed until it can be determined whether Mr. Varnell is competent. Due process prohibits the trial of a defendant who lacks mental competence. Droe v. Missouri, 420 U.S. 162, 171-72 (1975). A defendant must have “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and have

“a rational as well as factual understanding of the proceedings against him.” Dusky v. United States, 362 U.S. 402, 402 (1960) (per curiam) (quotation marks omitted). “If a defendant is incompetent, due process considerations require suspension of the criminal trial until such time, if any, that the defendant regains the capacity to participate in his defense and understand the proceedings against him.” Medina v. California, 505 U.S. 437, 448 (1992).

Assistant United States Attorney Matthew B. Dillon was contacted about this request and has no objection.

For the foregoing reasons, all proceedings against Mr. Varnell must be stayed until it can be determined whether he is competent to stand trial.

Respectfully Submitted,

s/Terri Coulter
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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2017, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

Matthew B. Dillon
Assistant United States Attorney

s/Terri Coulter
TERRI COULTER, OBA #11274